UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
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SEP 23 2015

Amanda Laughlin, Acting Chief Engineer
Engineering Services
Louisiana Department of Health and Hospitals
P.O. Box 4489
Baton Rouge, LA 70821-4489

Dear Ms. Laughlin:

Please find enclosed the Fiscal Year 2014 and Fiscal Year 2015 combined program review of the Louisiana Department of Health and Hospitals' (LDHH) Public Water Supply Supervision (PWSS) Program. The purpose of the program review is to assess the status of the State's drinking water primacy program, including the State's ability to achieve new PWSS primacy requirements, program implementation of existing regulations, and other key drinking water activities in accordance to Title 40 of the Code of Federal Regulations, Part 142.17. In addition, the annual program review serves as a valuable tool in identifying strengths and challenges in the State's ability to maintain primacy.

Thank you for your participation in the PWSS program review process. Please contact Nancy Ho of my staff at (214) 665-3179, should you have questions or concerns.

Sincerely,

James R. Brown, P.G.
Associate Director
Source Water Protection Branch

Enclosure

cc (w/enclosure) Caryn Benjamin, LDHH
Kate Gilmore, LDHH

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U.S. Environmental Protection Agency, Region 6
Fiscal Year 2014 and FY2015 Program Review

for the

Louisiana Department of Health and Hospitals
Public Water System Supervision Program

Table of Contents

I. Introduction

Title 40 of the Code of Federal Regulations (40 CFR) Part 142.17 (a)(1) states: "At least annually the Administrator shall review, with respect to each State determined to have primary enforcement responsibility (primacy), the compliance of the State with the requirements set forth in 40 CFR part 142, subpart B." This report summarizes the required primacy end-of-year (EOY) review of the Louisiana Department of Health and Hospitals (LDHH) Public Water Supply Supervision (PWSS) Program by the Environmental Protection Agency (EPA) Region 6 (R6) Source Water Protection Branch, Drinking Water Section. This written report documents two fiscal years (2014-2015) of program reviews of LDHH PWSS program.

The LDHH program elements, which were previously adopted by the State and approved by EPA to meet 40 CFR 142.10 primacy requirements, are examined as well as State activities to meet new primacy requirements and initiatives under the 1996 Amendments to the Safe Drinking Water Act (SDWA). LDHH's achievements, activities, and shortfalls are highlighted throughout the report.

On Thursday, July 30, 2015 members of the EPA R6 Drinking Water Section conducted the EOY review of LDHH's PWSS program. This EOY review covered two fiscal year periods: FY2014 and FY2015. The following people participated in the review:

EPA

James Brown, Associate Director, Source Water Protection Branch
Blake Atkins, Chief, Drinking Water Section
Nancy Ho, Louisiana Drinking Water State Program Manager (SPM) (via phone)
Hannah Branning, Louisiana Drinking Water Enforcement Officer
Nichole Foster, Backup Louisiana SPM (via phone)
Gregory Parrish, Louisiana Public Water System Supervision Grant Manager (via phone)
Javier Balli, Louisiana Drinking Water State Revolving Fund Grant Manager (via phone)
Dawn Ison, former EPA R6 Ground Water Rule and Water Security Manager (via phone)

LDHH

Amanda Laughlin, Acting Chief Engineer (FY2015)
Caryn Benjamin, Deputy Chief Engineer
Jake Causey, Chief Engineer (FY2014-FY2015)
Kate Gilmore, SDWIS Management

II. Summary

In fiscal years 2014 and 2015 (FY14 and FY15), LDHH was able to maintain their PWSS program, however, the state drinking water agency faced financial and programmatic challenges (including legislative audit, reorganization, state budget freezes/cuts) that could affect its future ability to meet the 1996 SDWA requirements. LDHH continues to make progress to adopt the Ground Water Rule (GWR) and Revised Total Coliform Rule (RTCR). In addition, LDHH continues to make effort to maintain a state drinking water program budget despite

Congressional challenges. The summary of findings, recommendations, and highlights noted throughout the report are as follows:

- Rule Adoption - EPA R6 recommends that LDHH continue dedicating the resources necessary to ensure State adoption of the promulgated drinking water rules, the Ground Water Rule (GWR) and the Revised Total Coliform Rule (RTCR). During the interim, we acknowledge and appreciate LDHH's willingness to collaborate with EPA R6 on implementation of these Rules through the primacy extension work load agreements.

  As part of the legislative session for GWR and RTCR adoption, LDHH may wish to consider making other state rule revisions related to:

  - Revision of public notice rule to ensure it is at least as stringent as the federal regulations. Current state regulations require water systems to provide notice to electronic media as opposed to the federal regulation which requires water systems to provide public notice to the consumers.
  - Sample certification: Certification that a compliance sample was taken at the required compliance monitoring site and was collected using appropriate sample collection methods.
  - Cyanobacteria: Standards to mitigate harmful algal bloom health effects. EPA established two drinking water health advisories in June 2015: http://www2.epa.gov/nutrient-policy-data/guidelines-and-recommendations

- RTCR Primacy Extension Approval – On October 2, 2014, EPA R6 approved LDHH's RTCR Primacy Extension Request. The two year extension has a deadline of February 13, 2017. LDHH met with EPA R6 to establish an informal "Workload Implementation Agreement" to show how rule implementation will occur, until the projected rule adoption date in summer 2016.

- Data Reporting and SDWIS/STATE - EPA R6 recommends that LDHH implement full scale electronic lab reporting and quality assurance testing on its electronic lab reporting process for all drinking water contaminants by December 31, 2015. The RTCR will be effective April 1, 2016 and electronic lab reporting can assist LDHH with streamlining its response to RTCR Level 1 and Level 2 trigger requirements along with other drinking water rules.

- Program File Review - On May 31-June 5, 2015, EPA R6 conducted a Program File Review (PFR) of the LDHH Public Water Supply Supervision (PWSS) Program. The purpose of the PFR is: 1) to evaluate whether LDHH determines compliance with the National Primacy Drinking Water Regulations correctly; and 2) to verify whether information in Louisiana's database and files is consistent with what is presently in SDWIS/Fed. Overall, Louisiana's database and files were consistent with what is presently in SDWIS/Fed for the sample set reviewed by EPA. The top two findings from the review dealt with deficiencies in laboratory method detection levels and lack of radium 228 sampling. EPA would like to work collaboratively with LDHH to develop a Program Improvement Action Plan that would identify areas within the program that LDHH could focus on to improve and streamline efficiencies.

- EPA R6 Update: EPA received LDHH comments to the draft File Review report and Program Improvement Action Plan on July 20, 1015, and will incorporate comments into the final report.

Please refer to Attachment A for any EPA follow-up action items that were developed during the program review.

Refer to the table below for the "Summary List of EPA R6 Recommendations for LDHH."

Summary of EPA R6 Recommendations for LDHH

	Recommendation	Due Date
1	Draft state rule language to adopt for Ground Water Rule and Revised Total Coliform Rule.	December 1, 2015
2	Consider making state rule revisions related to sample collection certification. This includes certification that compliance sample were taken at the required compliance monitoring site and collected using appropriate sample collection methods when the sample is collected and submitted to the State laboratory.	State discretion
3	Consider making state rule revisions to ensure public notice regulations require water systems to provide notice to consumers instead of to just electronic media.	December 1, 2015
4	Consider making state rule revisions for cyanobacteria.	State discretion
5	Coordinate with EPA R6 and SAIC on the unresolved SDWIS\State IT bug affecting DBP2 LRAA MCL compliance determinations.	December 1, 2015
6	Beyond familiarizing staff with the Level 2 assessment form, consider conducting internal training for LDHH staff on how to conduct Level 2 assessments.	February 1, 2016
7	Resubmit waiver for asbestos and dioxin.	November 1, 2015
8	Refer to CCR section of this report for EPA legal response to LDHH questions.	State discretion
9	Submit the revised Capacity Development Program annual report containing at least the minimum reporting elements.	Completed
10	For best use of contract dollars, coordinate LRWA contract activities for operator continuing education training and the LRWA workplan activities from the EPA competitive grant for small system training and technical assistance.	Completed
11	Investigate the status of hospitals using supplemental treatment and their public water system status.	State discretion
12	Utilize SDWIS\State 3.3 beginning no later than November 2015 for a full four months and create any supplemental databases for RTCR implementation.	November 1, 2015
13	Provide the pre-survey radiochemistry package information including passing the PT results before scheduling the next EPA Houston on-site review.	State discretion

14	Hire sufficient laboratory staff to maintain laboratory capacity.	State discretion
15	Coordinate with each of the grantees (of the EPA training and technical assistance grants for small systems) to provide specific focus areas and list of water systems for training and technical assistance.	Completed
16	Consider adding turbidimeter, pH, and chlorine residual analyzer calibration and SCADA data integrity training concepts to operator training curriculum.	Completed
17	Provide updated QMP QTRAK#14-057 and QAPPs QTRAK#13-523 and #13-524.	Completed

III. Primacy Requirements

The annual program review required under 40 CFR Section 142.17 requires that EPA conduct a program review at least annually to determine if the State is meeting the requirements of 40 CFR Section 142.10 in order to retain primacy. These requirements include the following statutory categories:

- Adoption of state regulations that are no less stringent than federal requirements
- Adoption and implementation of enforcement procedures
- Recordkeeping and reporting
- Variances and exemptions
- Planning for provision of safe water in emergencies

In accordance to 40 CFR Section 142.10, there are 18 elements found in the above five statutory categories, defined under Attachment B of this report. It is these 18 elements that are evaluated by EPA R6, either through the annual PWSS program review conducted by the Source Water Protection Branch, Drinking Water Section; the enforcement program review by the Enforcement and Compliance Assurance Division; or the financial review on the DWSRF program, also conducted separately by the Assistance Program Branch, State and Tribal Programs Section.

IV. Organizational Structure & Staffing

Staff from the LDHH Office of Secretary - Engineering Services Division implement primacy program requirements and associated regulations. The LDHH central office is located in Baton Rouge, along with four district offices encompassing nine regions. The district offices are located in New Orleans, Baton Rouge, Lafayette, and Shreveport. These offices coordinate compliance determination and monitoring for each region. Each region is composed of four to twelve parishes of various sizes.

LDHH central office staff members oversee program and rule implementation, rule adoption, technical assistance, data management, and enforcement activities. LDHH central office oversight is provided to ensure rule compliance requirements are achieved, and to assist water systems with technical assistance. Central staff also administrate contractual agreements with

other state agencies. Communication is conducted with regional field staff on a regular basis through GoTo meetings, through e-mails, telephone, fax, and direct site visits. From FY14 to FY15, LDHH's drinking water program underwent a twenty-five percent staff turnover occurring mostly in the regional offices.

- LDHH Request: The state requests EPA in-person training for its staff on all the drinking water rules.
- EPA Response: EPA will be able to accommodate this request and has sent save the dates for the three day training scheduled for March 1-3, 2016.

Bi-monthly meetings with all engineering services staff are held via videoconference to perform training and to keep regional staff informed of new and upcoming changes to implementation of the drinking water regulations. Rule or SDWIS training are also held as needed.

Regional staff members are comprised of engineers and sanitarians. Each regional office is comprised of at least one engineer and one sanitarian or two engineers. Engineers provide technical assistance to water systems, perform SWTR compliance, conduct sanitary surveys and plan/specification reviews, and respond to and investigate water complaints and emergencies. Engineering Services Sanitarians conduct sanitary surveys, perform TCR/GWR compliance, collect chemical samples and respond to investigate water complaints and emergencies.

In June 2015, LDHH's Drinking Water Program underwent organizational changes and was moved directly under the Office of the Secretary under the leadership of the State Health officer, Dr. Jimmy Guidry. Prior to this reorganization, LDHH's Drinking Water Program was located in the Office of Public Health (OPH) under the direction of the Assistant Secretary of OPH, J.T. Lane. Mr. J.T. Lane continues to provide leadership for the Office of Public Health which includes the LDHH drinking water laboratory. However, even though it is organizationally managed by the Office of the Secretary, LDHH's Drinking Water Program budget remains with and is still being managed by the Office of Public Health. Funding and approval to hire staff is through the Office of Public Health. (Please see Attachment F of this report to view the current LDHH Organizational Chart.)

In addition to the organizational changes, in FY2015 LDHH's authority was removed for establishing plumbing codes including water system cross connection control regulations. Louisiana is adopting International Plumbing Code standards, and LDHH's Engineering section will no longer be doing plumbing reviews. Plumbing code standards are not part of the SDWA drinking water primacy requirements. However, sanitary surveys are a primacy requirement, (and cross connection control issues are one subcomponent of the distribution system element of a sanitary survey).

The total LDHH – Safe Drinking Water Program (SDWP) Full Time Equivalent (FTE) levels are 42.6 (including vacancies). Chief Engineer Jake Causey, P.E. led the SDWP in FY14. In FY15, Amanda Laughlin, P.E. was detailed into the Acting Chief Engineer position when Chief Engineer Jake Causey, P.E. was detailed into Special Projects to work with Dr. Guidry. (Please see Attachment E of this report to view the current LDHH Drinking Water Program – Engineering Services Organizational Chart.)

V. Rule Adoption and Implementation

One major requirement in maintaining primacy is for the State to adopt drinking water regulations which are no less stringent than the National Primary Drinking Water Regulations (NPDWRs). Despite budget and FTE constraints, LDHH has managed to adopt all but two of the promulgated federal drinking water rules, the Ground Water Rule (GWR) and Revised Total Coliform Rule (RTCR). EPA appreciates LDHH's commitment to implement these rules, not yet adopted per an EPA/LDHH primacy extension workload agreement. State rule implementation activities for the GWR conducted by LDHH include (but are not limited to) compliance determinations, the issuance of sanitary survey reports identifying significant deficiencies, and collecting/recording public notice submissions. State rule implementation activities for the RTCR conducted by LDHH include (but are not limited to) compliance determinations, the review of Level 1 and Level 2 assessment forms and corrective actions for sanitary defects, and collecting/recording public notice submissions. Any enforcement (such as the issuance of notice of violation letters or Administrative Orders) remains to be carried out by EPA R6 until LDHH receives primacy for rules yet to be adopted. LDHH anticipates publishing the Notice of Intent for adoption of the GWR and RTCR in the State Register by July 2016. (A complete chart of the LDHH program revision and update information can be found under Attachment C of this report.)

- EPA R6 Recommendation: EPA R6 recommends that LDHH continue dedicating the resources necessary to ensure State primacy by adopting the Ground Water Rule and Revised Total Coliform Rule as soon as possible.

A. Non-Adopted Rule Status - Ground Water Rule

The GWR was published November 21, 2006 and became effective December 1, 2009. LDHH was required to adopt GWR no later than November 22, 2010. This rule requires ground water systems to perform triggered source monitoring if they are notified of a positive Total Coliform Rule sample. Systems may choose to conduct compliance monitoring (4-log treatment) in lieu of triggered source monitoring, but have monitoring requirements to ensure required treatment is achieved. The GWR also requires water systems to implement specific corrective actions anytime a significant deficiency is identified or a triggered source sample is positive for *E. coli*. Also, if directed by the state, systems must conduct source water assessment monitoring. LDHH relies heavily on the Electronic Sanitary Survey SWIFT tool to fully implement the GWR.

As noted under Rule Adoption and Rule Implementation, LDHH anticipates initiating GWR rule adoption by July 2016. The issue with GWR adoption is that the Water Committee (consisting of LDHH and other stakeholders) must first develop design standards and develop a list of significant deficiencies.

- EPA R6 Response: EPA would like to attend the next Water Committee meeting in August or September 2015 to better understand stakeholder concerns that are affecting LDHH's GWR adoption timeline.

Louisiana's legislative session closes in Summer 2015. Rule-making for GWR would need to begin in Fall 2015 and would last 6 months until January 2016 in order for an estimated GWR adoption date of May or June 2016. RTCR is expected to be packaged together with GWR and adopted by June 2016. A primacy application package for GWR and RTCR is expected after the rule is formally adopted by the State.

Overall the GWR implementation process conducted by EPA and LDHH has been working effectively. There are only two water systems on GWR continuous 4.0 log disinfection. For E. coli positive events, LDHH determines the corrective actions required on a case by case basis.

Ground Water Rule (GWR) Associated Sampling results		
	FY2014	**FY2015***
Total Coliform Rule total coliform positives triggering GWR samples	68	26
GWR E. coli source water samples collected	729	351
GWR E. coli positive triggered source water samples	1	1
*FY2015 = 7/1/2014-6/30/2015		

B. Non-Adopted Rule Status – Revised Total Coliform Rule

The RTCR was published February 13, 2013 and becomes effective April 1, 2016. LDHH is still within its primacy extension deadline before it is required to adopt the rule. (LDHH's RTCR primacy extension deadline expires on February 13, 2017.) This rule is applicable to an estimated 1400 public water systems in Louisiana. The RTCR establishes a maximum contaminant level (MCL) for *E. coli* and uses *E. coli* and total coliforms to initiate a "find and fix" approach to address fecal contamination that could enter into the distribution system. It requires public water systems (PWSs) to perform assessments to identify sanitary defects and subsequently take action to correct them.

As noted under Rule Adoption and Rule Implementation, LDHH anticipates initiating and packaging RTCR with GWR rule adoption by June 2016. The timeliness of RTCR adoption is not expected to be affected by any issues that may arise with GWR adoption.

In FY14, EPA HQ provided (to all drinking water primacy agencies including LDHH) Revised Total Coliform Rule (RTCR) through a 5-series webinar training program. This RTCR webinar series covered: general requirements for ground and surface water systems, requirements for state primacy agencies, and additional training emphases on Level 1 and Level 2 assessments. This training webinar series was recorded and is posted on www.asdwa.org/rtcr until July 2016. In FY15, EPA R6 provided in-person RTCR train-the-trainer training that was tailored to LDHH's special primacy requirements including the state's flexibility for rule implementation. While this training was not received by all LDHH compliance determination staff, EPA R6 provided this state tailored training to LDHH district engineer/sanitarian staff, Louisiana Rural Water

Association, Louisiana Communities Unlimited, and one of LDHH's contracting entities that will be assisting with conducting Level 2 assessments.

- LDHH Request: For increased effectiveness of trainings, LDHH requests that future trainings provided by EPA be conducted in person in lieu of using webinars or remote training technology. Due to high LDHH staff turnover, LDHH requested EPA assistance with providing training to its PWSs in October 26 – 27, 2015 in Ruston and Baton Rouge.

- EPA R6 Response: Region 6 will be able to fulfill this state request for training.

- EPA R6 Recommendation: Beyond familiarizing staff with the Level 2 assessment form, LDHH may wish to conduct internal training for LDHH staff on how to conduct Level 2 assessments.

C. Total Coliform Rule

For the Total Coliform Rule, which is applicable to all 1,369 water systems in Louisiana, LDHH enters manually sample schedules for TCR in SDWIS\State. LDHH continues implementing the TCR using the Compliance Decision Support function of SDWIS\State which also entails using the Compliance Decision Support function of SDWIS\State for Ground Water Rule. In response to EPA's Program File review recommendations and findings, LDHH changed their sampling trucks schedule to address repeat monitoring timelines so that repeat samples can be collected and delivered within 24 hours of a total coliform positive. In addition, the LDHH lab schedule was changed to accommodate analyses of total coliform positive samples even when there is an occurrence over the weekend.

- EPA R6 Response: EPA commends LDHH for making these impactful changes for public health protection.

In FY2014 and FY2015, LDHH noted concerns related to public water systems retroactively requesting compliance samples be invalidated after receiving notification that the sample was total coliform positive. Some of these systems retroactively attribute the total coliform positive due to sampling error, and instead of notifying LDHH immediately of the sample collection errors, the water system would wait months after receiving the positive result to dispute the sample result.

- EPA R6 Recommendation: As part of the legislative session for GWR and RTCR adoption, LDHH may wish to consider making other state rule revisions related to sample certification. This includes certification that compliance sample were taken at the required compliance monitoring site and collected using appropriate sample collection methods when the sample is collected and submitted to the State laboratory.

D. Stage 1 and Stage 2 Disinfectants and Disinfection Byproducts Rule

LDHH continues implementing the Stage 1 and Stage 2 DBP Rules. The Stage 1 DBPR TOC removal requirements remain in effect for an estimated 100 Louisiana water systems. In FY14, all community and nontransient noncommunity water systems in Louisiana that provided water containing a disinfectant residual transitioned fully to the Stage 2 DBPR for DBP MCL and Maximum Residual Disinfectant Level compliance. LDHH uses the SDWIS\State Compliance Decision Support module to help determine MCL LRAA and Operational Evaluation Level Exceedances.

- EPA R6 Request: Please coordinate with EPA R6 and SAIC on the unresolved SDWIS\State IT bug that LDHH has identified as affecting LRAA MCL compliance determinations. EPA Region 6 will in turn work with EPA Headquarters and the SDWIS\State contractors to resolve this programming error.

Most water systems in Louisiana do not do the Operational Evaluation Level (OEL) report as required by the Stage 2 DBPR. The purpose of the OEL is to assist PWSs in being proactive about identifying DBP issues and how to mitigate the DBP levels before there is a potential DBP MCL violation. LDHH notes that most water systems only conduct the OEL when the state issues violations for failure to do the OEL and only after the PWS receives a DBP MCL violation.

E. Long Term 1 & 2 Enhanced Surface Water Treatment Rule

Under the Surface Water Treatment Rule (SWTR), states were required to determine ground water sources under the direct influence of surface water. Louisiana has made the determination that there are no ground water sources under the direct influence of surface water. Furthermore, there are no surface water systems with well sources. As such, according to LDHH there are no ground water systems under the direct influence of surface water (GWUDI) that are classified as surface water systems.

All systems classified as surface water systems are subject to all applicable surface water treatment rule regulations, which includes mandated filtration and *Cryptosporidium* monitoring. In FY15, Schedule 1 surface water systems were required to conduct the second round of *Cryptosporidium* monitoring under the LT2 Rule beginning April 1, 2015. The second round of *Cryptosporidium* monitoring for all Louisiana surface water systems is as follows:

Schedule 1 beginning April 1, 2015: 4 water systems
Schedule 2 beginning October 1, 2015: 5 water systems
Schedule 3 beginning October 1, 2016: 13 water systems
Schedule 4 beginning September 1 2019: 37 water systems

Louisiana water systems are currently on track with complying with the second round of *Cryptosporidium* monitoring.

After the LT2 first round of *Cryptosporidium* source water monitoring, there were eight water systems that were required to provide additional level of treatment. These eight systems are listed below with their compliance status for the additional treatment requirements.

PWS ID	System Name	Bin Classification	Required Additional Log Treatment	Rule Treatment Deadline	Capital Improvement Extension (Max 2-yr)	Started LT2 Treatment
LA1075001	BELLE CHASSE WATER DISTRICT	2	1-log	10/1/2013	10/1/2015	no
LA1075002	BOOTHVILLE	2	1-log	10/1/2014	1/1/2016	no
LA1075006	PORT SULPHUR WATER DIST	2	1-log	10/1/2014	1/1/2016	no
LA1087001	ST BERNARD PAR WATERWORK	2	1-log	10/1/2013	8/1/2014	yes
LA2087001	DOMINO SUGAR	3	2-log	10/1/2014	1/4/2016	no
LA1005035	PEOPLES WTR CO.-DVILLE	2	1-log	10/1/2013	3/1/2014	yes
LA1007001	ASSUMPTION PAR WW DIST 1	2	1-log	10/1/2013	10/1/2015	no
LA1095003	ST JOHN WATER DIST NO 1	2	1-log	10/1/2013	10/1/2015	no

F. Lead and Copper Rule

There were no concerns noted during the program end of year review related to Lead and Copper.

G. Phase II/V including Arsenic & Nitrate

LDHH is currently implementing state-wide asbestos and dioxin waivers. However, due to recordkeeping issues, neither EPA R6 nor LDHH has a copy of EPA's approval for these state-wide waivers, which is required as part of a Phase II/V waiver program. Aside from asbestos and dioxin, there are no other inorganic chemicals (IOCs), volatile organic compounds (VOCs), or synthetic organic chemicals (SOCs) being considered for waivers.

- LDHH Update: Since the original waiver expired, LDHH will need to obtain baseline sampling data to establish that there is no susceptibility for dioxin and asbestos. LDHH will resubmit a waiver package to EPA after this data is obtained.

LDHH continues to address findings from EPA's Program File Review related to PCBs, Phase II/V waiver application, and method detection limits.

H. Radionuclides

Since EPA's Program File Review in June 2015, LDHH has addressed Radium 228 compliance determination discrepancies. Prior to the PFR, Louisiana water systems were not monitoring for Radium 228. LDHH has begun implementation of Radium 228 sampling throughout the state.

- EPA R6 Response: EPA commends LDHH for the quick turnaround time to address this issue.

I. Consumer Confidence Report

LDHH provides substantial assistance to its water systems for the Consumer Confidence Report (CCR) by drafting the CCR on behalf of water systems. Systems review the CCR, make changes if needed, complete the certification, and return a copy of the CCR and certification to the state and mail out the CCR to its consumers. If the CCR fails to meet content requirements, LDHH requires systems to re-submit and publish, rather than issuing a CCR violation (for failure to meet CCR content requirements) to the water system. Most systems send the CCR and certification to LDHH by July 1, but some wait until the October 1 certification form deadline to send both the report with their certification form; thereby sending the report three months after the required deadline. At EPA's recent Program File Review, EPA recognized that LDHH's CCR process likely leads to higher overall water system compliance status with the rule. However, LDHH should be determining compliance and issuing violations at two points in the process July 1st and October 1st.

- LDHH Request: LDHH would like EPA legal opinions on the two subjects below:
  1) Can the PWS forgo re-sending the CCR back to LDHH by the July 1st deadline, since LDHH writes the CCR on behalf of the PWS?
     - EPA Response: No, the PWS is legally required to mail a copy of the CCR to LDHH by the July 1st deadline. 40 CFR 141.155(c) uses the words "each CWS must mail a copy of the report to the primacy agency". The PWS thereby has a duty to mail this copy to LDHH.
  2) Can LDHH certify CCR requirements (including CCR content and delivery to consumers) by the Oct. 1st deadline on behalf of the PWSs, since the state writes the report on their behalf and posts the CCR on the State's website?
     - EPA Response: No, the PWS is legally required to mail a copy of the CCR certification by the October 1st deadline. 40 CFR 141.155(c) uses the words "each CWS must mail …a certification that the report has been distributed to customers, and that the information is correct and consistent … ". From a practical standpoint, even if LDHH writes the CCR on behalf of the PWS, this does not mean that the PWS did not modify the report in such a way that it no longer meets the CCR content requirements.

LDHH also assists some water systems by posting their CCR online on the LDHH website. While this does not meet the CCR direct electronic delivery method, the posting

of the CCR on LDHH's website allows more consumers to have multiple access methods for receiving their CCR.

- EPA R6 Response: EPA commends LDHH for the support they provide water system's to educate customers about their drinking water quality.

J. Public Notification

State public notification timeframes for delivery after a violation has occurred for Tier 2 and Tier 3 violations are:

- Tier 2: 30 days mail/hand delivery and 14 days newspaper
- Tier 3: 90 days mail/hand delivery and 45 days newspaper

The Public Notification (PN) Rule continues to be of concern for Louisiana. Most customer complaints from LDHH consumers are that they are not notified soon enough about drinking water violations. This is even taking into account that state regulations for public notice is more timely than federal public notice requirements. LDHH compliance officers conduct monthly public notice determinations to keep up with violations. The highest number of violations and the most number of water systems in violation occurs with the Public Notice Rule among all drinking water rules for Louisiana water systems. In order to help address EPA's Enforcement Targeting Tool, priority systems associated with public notice violations, LDHH changed their Consumer Confidence Report process to include outstanding public notification violations to close out historical PN violations.

Current state regulations require water systems to provide notice to electronic media as opposed to the federal regulation which requires water systems to provide public notice to the consumers.

- EPA R6 Response: As part of the legislative session for GWR and RTCR adoption, LDHH may wish to streamline necessary revisions of the public notice rule to ensure it is at least as stringent as the federal regulations.

K. Variances & Exemptions Rule

The Variances and Exemptions (V&E) Rule was revised in August 1998, in accordance with the 1996 Safe Drinking Water Act Amendments. LDHH has not allowed V&Es in the past, nor is considering them at this time.

L. Unregulated Contaminant Monitoring Rule

LDHH has outsourced this to EPA Region 6 and EPA Cincinnati. Per LDHH's delegation of UCMR, EPA has full responsibility with logistics on this. LDHH does not anticipate changes in taking on roles/responsibilities with UCMR4.

M. Fluoride

In FY2015, the U.S. Department of Health and Human Service's (HHS) published a change to lower the recommended optimal fluoridation level in drinking water to prevent tooth decay. The new recommendation, 0.7 mg/L, replaces the previous recommended range of 0.7 to 1.2 milligrams per liter provided in 1962 by the U.S. Public Health Service. One basis for the new recommendation is that HHS no longer considers ambient

temperature ranges to be a factor in drinking water consumption. This new HHS recommendation differs from EPA's maximum contaminant level (MCL) of 4.0 milligrams per liter for fluoride in drinking water.

- EPA R6 Response: As part of the legislative session for GWR and RTCR adoption, LDHH may wish to consider making other state rule revisions related to fluoride to correspond with the United States Department of Health and Human Services' lower recommended optimal fluoridation level of 0.7 mg/L in drinking water.

EPA also has a secondary MCL of 2.0 milligrams per liter to protect against moderate to severe dental fluorosis, which is not enforceable but requires systems to notify the public when there is an exceedance of the 2.0 milligrams per liter level. Currently, EPA is reviewing and analyzing fluoride information regarding occurrence, health effects, and other factors under the Safe Drinking Water Act's third Six-Year Review to decide whether a revision to the fluoride standard is likely to result in health risk reductions. EPA expects to complete the Six-Year Review in 2016 and will keep LDHH updated if there are any anticipated federal regulation changes for the amount of fluoride in drinking water provided by public water systems.

LDHH currently has no existing nor proposed regulation for fluoride. There are thirty-eight water systems in Louisiana that add fluoride. LDHH does not anticipate that there will be new water systems requesting to add fluoride since permitting requirements for fluoride addition are strict. Of the water systems that add fluoride, most are below the 2.0 milligrams per liter EPA non-Enforceable standard. Five water systems have fluoride levels between 2.0-4.0 mg/L and three water systems have fluoride levels at the 2.0 milligrams per liter level. LDHH issues violations and requires public water systems to issue public notice when the EPA secondary MCL of 2.0 milligrams per liter is exceeded.

N. Cyanobacteria

In FY2015, EPA established and published new drinking water health advisories for two cyanobacterial toxins, microcystin and cylindrospermopsin. Under the SDWA, EPA may publish Health Advisories (HAs) for contaminants that are not subject to any national primary drinking water regulation 42 § 300g-1(b)(1)(F). EPA develops HAs to provide information on the chemical and physical properties, occurrence and exposure, health effects, quantification of toxicological effects, other regulatory standards, analytical methods, and treatment technology for drinking water contaminants.

Currently, LDHH has no existing nor proposed drinking water standards for cyanobacteria or cyanotoxins. Only a few water systems within the state are affected by harmful algal blooms, and these challenges are addressed fairly quickly.

O. Louisiana Emergency Rule Requiring Water Systems to Raise Disinfectant Level and Increase Disinfectant Residual Monitoring

In FY2014, LDHH issued an emergency rule requiring water systems in Louisiana to maintain a higher disinfectant residual, increase disinfectant residual monitoring, and submit a revised monitoring plan for bacteriological and chlorine residual monitoring. This emergency rule was finalized in November 2013 in response to several deaths in

Louisiana that was attributed to the presence of *Naegleria fowleri* amoeba in drinking water. Prior to the Emergency Rule, Louisiana's regulations, which were implemented in 1995 in accordance with federal guidance, stipulated that drinking water systems were required to have a "trace" or "detectable" level of free chlorine residual at all points of their system at all times. Under the new rule, drinking water systems must have a minimum disinfectant residual level of 0.5 milligrams per liter throughout all of their distribution lines. This 0.5 mg/L level is known to control the *Naegleria fowleri* amoeba. LDHH's Emergency Rule does the following:

- Increases the minimum disinfectant residual level to 0.5 mg/L (measured as free or total chlorine) in the water being delivered to the distribution system, in finished water storage tanks and in all points of the distribution system by February 1, 2014 for most water systems;
- Increases the number of residual measurements taken monthly or quarterly by twenty-five (25) percent;
- Requires that water systems develop and submit a revised monitoring plan for bacteriological and chlorine residual monitoring by January 1, 2014. If a system disinfects using chloramines, which is chlorine with an ammonia addition, as opposed to free chlorine, it is required to submit a nitrification control plan to DHH by February 1, 2014.

LDHH's public health image and drinking water program has received momentum related to *Naegleria fowleri* amoeba response. However, the amoeba response and ensuring compliance with the Emergency rule are resource intensive and a time consuming process for the drinking water program and laboratory staff. On average, LDHH staff visit three to four water systems each week from July through September to conduct sampling for *Naegleria fowleri* during the hottest temperature months when the amoeba is expected to be most prevalent. The presence of the *Naegleria fowleri* amoeba continues to be detected in water systems.

- LDHH Request: LDHH would like EPA approval to utilize the DWSRF Set-Asides or PWSS Grant for salaries for *Naegleria fowleri* amoeba sample collectors.

VI. Other PWSS Program Initiatives & Statutory Requirements

A. Louisiana State Legislative Audit

In FY2015, LDHH was informed that a state legislative audit on the drinking water program would occur. A state legislative audit among the different state agencies is a normal and routine occurrence in Louisiana. The state audit of the drinking water program began in May 2015 and is expected to be a 6-9 month process, thereby potentially continuing through February 2016. In FY2015, LDHH's activities related to the audit have included:

- Providing the auditors with data extracts from the Safe Drinking Water Information System;
- Inviting the auditors on inspections and sanitary surveys; and

- Participating in an interview with EPA and the auditors about the scope and focus of EPA's Program File Review.

While the exact scope of the audit has yet to be determined, the auditors have provided feedback of their interest on focusing the audit on LDHH's response to address secondary contaminant complaints (mostly taste, odor, and color related drinking water issues). LDHH is currently proposing to regulate iron and manganese with standards for iron (0.3 mg/L) and manganese (0.05 mg/L) & may have thresholds for treatment (sequestering vs filtration). If these state drinking water standards are finalized, LDHH believes it will help address statewide taste and odor drinking water complaints. LDHH expects the iron and manganese standards to be finalized and effective by the time the GWR and RTCR are adopted by the state.

B. Capacity Development

The Capacity Development Program annual report is due to EPA R6 on September 30, 2015. LDHH is encouraged to better describe within their annual report, a summary of the systems that received technical, financial, and/or managerial assistance quarterly at a minimum. For the past few years EPA has verbally requested that these changes be incorporated into the report. However, LDHH staff turnover may have attributed to these changes not being made in the Capacity Development report.

- EPA Request: LDHH should submit the revised Capacity Development Program annual report containing at least the minimum reporting elements by September 30, 2015.

C. Operator Certification

There are currently 12,082 drinking water operator licenses for the estimated 1,400 water systems in Louisiana. There are three categories of drinking water system operator certification: water production, water distribution, and water treatment. Furthermore, there are four classifications within each category of operator certification based on population served. There are currently only three operator certification exams used to certify operators.

Type of Operator License	PWS Type
Production	All
Treatment	All surface water
	GW with complex treatment beyond disinfection
Distribution	All

Level of Operator License	Population Served
Class 1	<1,000
Class 2	1,001-5,000
Class 3	5,001-25,000
Class 4	Over 25,000

In FY2015, LDHH modified their operator certification training curriculum to incorporate RTCR requirements. Specifically, for the RTCR Level 1 assessment which is conducted by the PWS operator, the assessor must have all three category licenses at the appropriate level for its population. Multiple persons with different licenses can jointly do a Level 1 assessment if their combined certifications meet the Level 1 assessor criteria.

LDHH currently sees an increased number of operators on probation for failure to conduct monitoring. LDHH has one contract in place with Louisiana Rural Water Association for continuing education training for operators.

- EPA Recommendation: In order to avoid duplication of effort and best use of contract dollars, LDHH may wish to ensure coordination between LRWA contract activities for continuing education training for operators and between the LRWA workplan activities from the EPA competitive grant for small system training and technical assistance.

EPA R6 received the July 1, 2014 – June 30, 2015 annual State's Operator Certification Program on July 31, 2015. The report was in accordance with the requirements of the Federal Operator Certification Program Guidelines. EPA R6 once again appreciates the submittal of the report in a timely manner. As in year's past, EPA R6 requests the upcoming annual operator certification report be submitted no later than August 1st in order to provide EPA R6 with an appropriate timeframe to review the report by the September 30th approval deadline.

D. Source Water Assessment/Wellhead Protection

The Louisiana Department of Environmental Quality (LDEQ) continues to administer the state's source water assessment (SWA) and wellhead protection (WHP) programs, supported through Clean Water Act funding. Implementation efforts focus on systems who have yet to establish protection programs, community outreach and training, and the continuous review/update of older plans. LDEQ staff members continue to coordinate with LDHH staff on updates and information sharing activities on the SWA and WHP programs.

E. AWOP

In FY2014 and FY2015, LDHH's participation in EPA R6 AWOP activities was curtailed, due to the sampling efforts and the Emergency Rule for chlorine residuals related to *Naegleria fowleri* monitoring activities in the state. We appreciate LDHH's recent commitment and participation in the chloramine distribution system exercise with EPA R6, that occurred in November 2014 in Greenwood, Louisiana.

LDHH has expressed interest in reviving the Comprehensive Performance Evaluations aspect of the AWOP program in order to boost staff training and expertise. However, due to current resource constraints with travel and staff time, LDHH's participation with the AWOP program remains limited, while staff continues to provide response to *Naegleria fowleri* monitoring activities.

- LDHH Request: Assist the State with a Comprehensive Performance Evaluation workshop during the next AWOP meeting scheduled May 10-12, 2016 in Louisiana.

F. Water Security

LDHH staff members administer the Water Security Program, and assist with the Louisiana Water/Wastewater Agency Response Network (LaWARN) program (mutual aid program run by utilities). LDHH has fully integrated with the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and currently has a seat under Emergency Support Function-12 (ESF-12) at the State Emergency Operations Center, to handle drinking water and wastewater issues. Under the State Emergency Operations Plan, ESF-12 is the Energy and Utilities Function and has the critical responsibility of maintaining continuous and reliable energy supplies for Louisiana. The Plan has been rewritten to include LDHH as the primary support agency under ESF-12 for assistance to drinking water and wastewater utilities. After an incident, LDHH conducts phone and on-site evaluations to determine the operational status of water systems and to identify any critical needs. LDHH provides systems with information on how to get support if it is needed and reports the operational status to GOHSEP and also to EPA R6 upon request. LDHH staff members are trained in both the National Incident Management System (NIMS) and Incident Command System (ICS). Staff members have worked with EPA R6 to implement the Response Manager Program to manage data associated with water system status and evaluations during emergency events. In FY14 and FY15, LDHH conducted drills utilizing the Response Manager Program in June/July to prepare for water system emergencies. EPA has developed online Response Manager training that will be available soon for any state. Going forward, LDHH is working on finalizing a web portal where systems can self-report their status and needs via submission of a completed evaluation form. The web portal is expected to be finalized and fully operational by the end of calendar year 2015.

G. Sanitary Surveys

Under the IESWTR and LT1, sanitary surveys are required for all surface water systems and all systems under the direct influence of surface water. The GWR, which became effective December 1, 2009, also requires sanitary surveys for all ground water systems. LDHH conducts sanitary surveys on a frequency of once every three years at community water systems (CWS) and once every five years at groundwater non-community water systems (NCWS). In FY2014, LDHH faced some challenges with the number of sanitary surveys completed. These challenges included a higher number of new staff which required more time to complete surveys as compared to more experienced staff. Also, the number of surveys completed in FY2014 were limited, due to staff response to ensure water system compliance with the Emergency Rule and *Naegleria fowleri* amoeba response.

Sanitary Survey Requirement	Estimated Total # of Louisiana Systems	Sanitary Surveys Completed	
		FY2014**	FY2015**
All CWS 1/3 years	CWS:1,005*	276	357
SW NCWS 1/3 years	SW NCWS: 15	1	10
GW NCWS 1/5 years	GW NCWS: 342	106	66

* FY14 – 13 C Deactivations; FY15- 21 C Deactivations
** FY14 = 7/1/13-6/30/14; FY15 = 7/1/14-6/30/15

- LDHH Request: Due to over 25% state staff turnover, the State would like EPA training on how to conduct sanitary surveys for its staff.
- EPA R6 Response: EPA will be able to accommodate this request. Save the dates have been reserved for the three and a half day training Nov. 17-20, 2015 in Alexandria.

H. PWS Inventory & SDWIS/State

Almost seventy percent of public water systems in Louisiana are community ground water systems. While LDHH does have sanitation regulations about water vending stations and water haulers, LDHH does not currently regulate water vending stations, water haulers, nor offshore platforms as public water systems. There are currently five Veteran Administration hospitals in Louisiana and none of which are currently known to add treatment to be classified as public water systems. EPA anticipates that hospitals may add additional treatment to combat *Legionella,* which may affect LDHH's public water system inventory.

- EPA Recommendation: LDHH may wish to investigate the status of hospitals using additional treatment, and if appropriate re-evaluate their status as public water systems.

In order to track the public water system compliance status and report violations to EPA, the State is currently on version SDWIS\STATE Web Release 3.2.1. In FY2015, EPA HQ released SDWIS\STATE version 3.3 and updated ODS to version 3.5. The ODS update to version 3.5 by EPA HQ is a prerequisite for all State-reported data to be accepted in SDWIS\FED. LDHH plans to first load SDWIS\STATE version 3.3 and FedRep 3.5 on a test environment before fully implementing SDWIS\State version 3.3, which contains the RTCR compliance support component.

- EPA Recommendation: LDHH would benefit from at least 4 months of full utilization of SDWIS\State 3.3 prior to April 1, 2016. This would allow LDHH time to modify either RTCR state policies or to build supplemental databases to accommodate needs not met by SDWIS\State 3.3 for when the RTCR becomes fully effective.

LDHH utilizes sample schedules in SDWIS for TCR and DBPR. SDWIS\State's compliance decision support function is only being utilized for TCR, GWR, and DBPR. LDHH tracks chemical sample schedules using the SDWIS water system facility indicators, which means that the SDWIS\State compliance decision support function is

unavailable for chemicals. Sample schedules are utilized for systems that have hits and monitor quarterly. For the remainder of the drinking water rules, LDHH manually conducts compliance determinations for each water system. Originally, LDHH intended to reset all of the sample schedules for all drinking water parameters and fully utilize the database's compliance decision support function when the state fully transitions to SDWIS Prime. However, in FY2015, EPA HQ delayed implementation of SDWIS Prime with an unknown date as to when SDWIS Prime would be completely built and ready for primacy agency use.

- LDHH Request: LDHH would now like assistance from EPA Region 6 on how to make SDWIS State work for chemicals and chlorine residuals.

I. Lab Capacity, Availability, and Lab Data Transfer

Since August 2012, LDHH shifted responsibility of TCR and GWR sample collection from the parish sanitarians to require samples be collected by PWS operators. The regional staff is still responsible for collecting all routine chemical samples.

Under 40 CFR Section 142.10(b)(3), the State is required to establish and maintain a State program to certify laboratories conducting analytical measurements of contaminants identified in State primary drinking water regulations. The State is also required to designate a laboratory officer or officers certified by the EPA Administrator that are responsible for the State's certification program.

LDHH certifies laboratories throughout the State through their designated laboratory officers. There are less than a dozen water systems with their own certified lab. Water systems with their certified labs cannot analyze samples on behalf of other water systems. Most water system lab certification is for bacteriological analyses for monitoring in accordance to the TCR. LDHH also certifies laboratories for chemical testing of drinking water in accordance to the National Environmental Laboratory Accreditation Program (NELAP), which is accepted by EPA in lieu of EPA's Drinking Water Certification program. In FY2014 and FY2015, LDHH state laboratory utilized Pace Analytical laboratories to do all chemical analyses, while the LDHH state laboratory in Baton Rouge (the principal state laboratory) prepared itself for EPA certification.

On July 6-10, 2015, EPA Houston conducted an onsite audit of the LDHH Baton Rouge laboratory. As a result of the onsite audit, EPA Houston will be recommending that the Baton Rouge laboratory receive certification for eleven organic methods, five inorganic methods, and four microbiological methods, including the Cryptosporidium method for LT2ESWTR. The main concerns noted by EPA Houston from the onsite audit include:

1) Lack of sufficient laboratory staff: 9 positions vacant and in the process of being advertised;
2) Difficulty with conducting the audit for radiation gross alpha/beta Method: the EPA audit has been rescheduled twice because of lack of preparedness and attributed to the Baton Rouge lab staff resource constraints;

3) Lack of de-ionized water source for each laboratory building: To conduct organic, inorganic, and rad analyses – staff must travel to another building to obtain DI water;
4) Lack of proper instrumentation support: EPA Houston recommends better support from both Thermo and Agilent instrument companies especially for EPA Method 525.2.

EPA Houston believes that these concerns from the onsite audit are fairly easy to implement. Additional information about the EPA onsite audit can be found in the report drafted by EPA Houston which summarizes any deficiencies and areas that need to be addressed. Once the LDHH Baton Rouge laboratory addresses the concerns noted in the laboratory onsite audit, the Baton Rouge laboratory will receive full certification for the methods recommended. This is expected to occur in the September/October 2015 timeframe.

- EPA Response: EPA commends LDHH for receiving recommendations for these certifications especially for the *Cryptosporidium* method which is very difficult to attain and for which only one other state laboratory has received certification.
- EPA Recommendation: Because the radiochemistry onsite audit has been delayed twice, and EPA's support contract for auditing laboratories is limited, EPA recommends that prior to scheduling the next radiochemistry onsite audit, LDHH Baton Rouge laboratory provide the pre-survey package information including passing the PT results to EPA Houston. EPA Houston would then schedule the onsite radiochemistry audit after this information is received.
- EPA Recommendation: EPA recommends LDHH take action to ensure there is sufficient laboratory staff to maintain laboratory capacity.

Assurance of the availability of certified State laboratory facilities capable of performing analytical measurements of all contaminants is specified in the State's primary drinking water regulations, required under 40 CFR Section 142.10(b)(4). In May 2015, the Shreveport and Metairie state laboratories closed, thereby leaving the two remaining state laboratories – one in Baton Rouge and the other in Amite to absorb the workload associated with bacteriological analyses. LDHH pays for private couriers to ferry the samples from a drop off point to the state laboratory. The Shreveport lab closures created some challenges with routing of the bacteriological samples to the two remaining laboratories. To address this issue, LDHH will be implementing additional routes for delivery of bacteriological samples to the state laboratories and will also be extending the times for sample pick-up/drop off beginning in September 2015. The Metairie lab closure created challenges with staff vacancies, as many of the Metairie laboratory staff opted not to transfer to the Baton Rouge state laboratory.

In FY 2011, LDHH included rule language requiring that previously certified laboratories were now required to report electronically to the State in accordance to the format provided. Since March 2012, this rule has been in effect for any new laboratory requesting certification.

Labworks is the current State Laboratory Database that houses records of sample analyses. LDHH uses EDI/LTS/XML Sampling to migrate data from Labworks to SDWIS\State. LDHH projects that STARLIMS will completely replace Labworks by December 2015, and LDHH will abandon the EDI program at which lab data transfer to SDWIS\State will be 100% electronic. LDHH projects that there will be phased implementation for its water systems over a 12 month period to use STARLIMS. Previous efforts and projections to bring STARLIMS online earlier in FY2014 were thwarted due to resource, data configuration, and procurement issues. By the end of August 2015, LDHH will be reporting *Naegleria fowleri* results electronically into SDWIS State. LDHH will continue to use LTS/XML Sampling until SDWIS Prime is adopted. The Compliance Monitoring Data Portal (CMDP) will be implemented first, but LDHH will use XML Sampling to move the data to SDWIS until Prime is ready.

J. Annual Compliance Report

Section 1414(c)(3)(A) of the 1996 SDWA requires primacy States to prepare an annual compliance report (ACR) on federal primary drinking water regulation violations. LDHH continues to remit the annual compliance report which includes violations between January and December of each year by July of the following year.

VII. Funding

A. PWSS Grant Funding and DWSRF Set-Asides

EPA allocates the PWSS Grant for each drinking water primacy agency based on the following 5 weighted factors for each State: number of Community Water Systems and number of NonTransient Noncommunity Water Systems (56% of total), number of Transient Noncommunity Water Systems (14% of total), square miles of geographical area (10% of total), and population (20% of total). The number of CWSs, NTNCWSs, and TNCWSs is obtained from inventories reported to EPA by States, and contained in the SDWIS. Geographical area is taken from the most current U.S. Statistical Abstract. The population is taken from the most current reports published by the U.S. Census Bureau. See Attachment G for historical PWSS Grant award indexed to inflation.

LDHH was awarded the FFY 2014 PWSS Grant allotment of $1,358,000 in two awards. $349,561 was awarded December 2013, and $1,008,439 was awarded June 2014. LDHH was awarded the FFY 2015 PWSS Grant allotment of $1,350,000 on May 05, 2015. Under Public Law 113-235, implemented in July 2015, a rescission of funds reduced LDHH's PWSS federal amount by $9,000 to $1,341,000. LDHH returned the $9,000 to EPA in July 2015. LDHH utilizes all of the PWSS Grant funds for state personnel and salaries and for PWSS program implementation travel activities because there are state restrictions for funding travel with state generated revenue.

- LDHH Request: LDHH Budget office needs the tentative PWSS grant allotment annually in July for planning purposes as part of their budget administrative mechanism.

- EPA R6 Response: During the past few fiscal years, EPA has been operating under a continuing resolution without a finalized budget until about the summer of the following year (one year after the start date of LDHH's state fiscal year). Thus, for the past few years there has not been a credible tentative PWSS allotment that was estimated. EPA Region 6 will convey to EPA HQ the need to get the tentative allotment in a timely manner for LDHH's planning purposes.

LDHH was originally allotted the FFY 2015 Drinking Water State Revolving Fund Grant allotment of $12,127,000. In June 2015, there was a rescission that occurred from the FFY 2015 DWSRF in the amount of $80,000, making the post-rescission DWSRF Grant amount $12,047,000. LDHH asked for $425,000 for their Local Assistance (15%) activities, $481,880 for DWSRF Administrative Expenses (4%), plus reclaims $543,120 of previous grants for a total Administrative Expense set-aside total of $1,025,000 for SFY 2016. LDHH also requested $950,000 for State Program Management (10%), and $235,000 for Small Systems Technical Assistance (2%). While DWSRF Set-Asides are utilized to supplement the State's drinking water program implementation activities, the SRF is not included as part of OPH's budget.

- LDHH Request: LDHH would like EPA approval to utilize the DWSRF Set-Asides or PWSS Grant for salaries for *Naegleria fowleri* amoeba sample collectors.

EPA R6 encourages LDHH to maximize DWSRF set-aside funding to support the Drinking Water (DW) program. Although ULOs will continue to be a national DWSRF priority as the federal budget continues to be scrutinized, LDHH continues to address the challenge of expending unliquidated obligations (ULOs) responsibly. (ULOs are defined as the difference between the amount obligated in the Federal capitalization grant award and the total amount of outlays against that obligation.)

EPA is required to periodically conduct an Advanced Monitoring Review to assure that federal financial award recipients are meeting both the work plan deliverables and the terms and conditions of their assistance agreements. In February 10-13, 2014, EPA Region 6 conducted an Advanced Monitoring Review for the Louisiana Public Water System Supervision grant. As part of this review, EPA Region 6 findings included that LDHH adequately fulfilled the grant tasks and administrative requirements of the PWSS program. This report was sent to LDHH on July 17, 2014. The next Advanced Monitoring Review of the Louisiana PWSS Program is expected to occur in the next 3 or 4 years in calendar year 2017 or 2018.

The EPA financial review of LDHH's DWSRF program is required to be conducted annually. EPA Region 6 also conducted annual on-site reviews for the LDHH Drinking Water Revolving Loan Fund program on February 10-13, 2014 and on March 2-6, 2015. For FY2013, while minor issues were identified and resolved with the DWRLF's project files and accounting process, EPA was encouraged by the program's positive progress that was demonstrated by their cumulative financial indicators, standardization and documentation of program procedures, and their detail to timekeeping, etc. For FY2014,

EPA Region 6 was encouraged by LDHH's progress demonstrated by the cumulative financial indicators and incorporation of previous EPA recommendations. The FY2014 report provided six required action items and seven recommended action items for LDHH to address findings from the EPA review.

B. State Funding

Sources of state funding for the LDHH drinking water program include an estimated $4.5 million annually from PWSS generated fees and $1.192 million annually variable from the state general fund. There is no increase in tax or fee structure anticipated that would increase the State sources of funding. However, LDHH does note that the current PWSS fee structure does not sufficiently cover all services provided by LDHH.

In general, LDHH annually faces budgetary challenges with their state legislators attempting to defund the state's drinking water, sanitation, and environmental programs. In FY2015, a house bill successfully passed which would have slashed the Office of Public Health's budget by $25.8 million and eliminate LDHH's 55 engineers and 200+ sanitarians, essentially the LDHH drinking water program. This measure was not successful in the state senate, and the money was restored to the Office of Public Health.

C. EPA Training and Technical Assistance Grants for Small Systems

In FY2014, EPA was directed by Congress to competitively award $12.7 to non-profit organizations to provide training and technical assistance to small public water systems, small wastewater systems and private well owners, located in urban and rural communities throughout the U.S. and its territories. Of this $12.7 million, an estimated $11 million was awarded for the FY2015 work plan period to the following grantees in the following drinking water related areas:

- Rural Community Assistance Partnership for compliance and technical capacity to water systems and assistance for private well owners,
- National Rural Water Association for compliance and technical capacity to water systems, and
- Environmental Finance Center Network for managerial and financial capacity to water systems.

The annual EPA training and technical assistance competitive grants for small water systems began in FY2012. EPA HQ's administers the grant award. EPA expects that these competitive grants will continue as long as Congress passes a budget including the EPA directive to award grants for training and technical assistance:

- For small public water systems to achieve and maintain compliance with the Safe Drinking Water Act,
- To improve financial and managerial capacity and enable small public water systems to provide safe drinking water,
- For private well owners to help improve water quality.

- <u>EPA R6 Recommendation</u>: EPA recommends LDHH coordinate at least annually with each of the grantees to provide specific focus areas and list of water systems for training and technical assistance.

- EPA R6 Response: LDHH may wish to consider adding turbidimeter, chlorine analyzers, and pH meter calibration and SCADA data integrity training concepts as one of the focus areas for training. The National Area Wide Optimization meeting in July 2015 revealed that several states nationwide had findings that many water system operators lacked this knowledge.

D. Quality Assurance Requirements

The Quality Assurance requirements for LDHH's PWSS program are current as of the EOY program review. The Quality Management Plan (QMP) is a document describing the overall quality assurance efforts in the State. This includes the State's overall quality management philosophy and the agency's responsibility for administering the quality assurance program. An approved QMP and QAPP is generally a condition of federal funds. The current approved QMP #14-507 will expire October 24, 2015. The Quality Assurance Project Plans (QAPPs) stress data quality objectives related to sample collection and sample analysis. There are two QAPPs related to the drinking water program. One plan focuses on field sample collection activities. The other plan covers laboratory analysis of the collected drinking water samples at the LDHH laboratory. Both QAPPs will expire on October 31, 2015. EPA R6 requests that revised plans be submitted at least 60 days prior to the expiration of the previously approved plan to allow for review and approval of the updated plan.

- EPA R6 Request: Provide EPA with updated QMP and QAPPs in August 2015 before the current documents expire.

E. State Grant Workplans and Progress Reports - (GPI 11-03)

For all State Categorical Program Grants awarded on or after October 1, 2012, workplans and associated progress reports must prominently display three Essential Elements:

Essential Element 1 – Strategic Plan Goal: Protecting America's Waters
Essential Element 2 – Strategic Plan Objective: Protecting Human Health
Essential Element 3 – Workplan Commitments plus time frame

The EPA Regional office will be required to electronically post workplans and progress reports in the State Grant IT application (SGITA) database established for this policy [Grants Policy Issuance (GPI) 11-03].

We will work with LDHH, once it is determined how these new requirements will affect their respective PWSS grant funding.

VIII. Enforcement

The EPA Region 6 Enforcement and Compliance Assurance Division conducts the enforcement program review for LDHH. The findings from the FY2014 and FY2015 Enforcement review of the LDHH Enforcement program is contained in a separate report.

Attachment A – EPA Follow Up Action Items

	Action Item	Responsibility	Due Date
1	Address LDHH comments to the draft Program File Review report.	EPA R6	September 1, 2015
2	LDHH request for all drinking water rules in-person training.	EPA R6	Scheduled for March 1-3, 2016
3	Attend the next Water Committee meeting to better understand Louisiana stakeholder concerns that are affecting LDHH's GWR adoption timeline.	EPA R6	Proposed for August or September 2015.
4	LDHH request for EPA in-person training on the RTCR for public water systems.	EPA R6	Scheduled for October 26-27, 2015.
5	Provide EPA legal opinion on CCR delivery and certification.	EPA R6	Completed. See answer in this report.
6	Provide response to LDHH request to utilize DWSRF Set-Asides or PWSS grant for salaries for *Naegleria fowleri* amoeba sample collectors.	EPA R6	September 20, 2015
7	Assist LDHH with a Comprehensive Performance Evaluation workshop.	EPA R6	May 10-12, 2016 (during the next AWOP meeting scheduled in Louisiana)
8	LDHH request for sanitary survey training for state staff.	EPA R6	Scheduled for Nov. 17-20, 2015
9	LDHH request for assistance with SDWIS\State for chemicals and chlorine residual compliance decision support functionality.	EPA R6	December 1, 2015
10	LDHH request for the FY2016 tentative PWSS grant allotment for LDHH's budget planning process.	EPA R6	Overdue. Needed by July 1 of each year.

Attachment B – 40 CFR 142.10 Primacy Requirements

Regulations specified in 40 CFR 142.10 require states that have been delegated primary enforcement authority (primacy) for the Safe Drinking Water Act to meet the following requirements:

1. Adopt drinking water regulations which are no less stringent than the national primary drinking water regulations (NPDWRs);
2. Adopt and implement adequate procedures for enforcement of such State regulations;
3. Maintain an inventory of public water systems;
4. Develop a systematic program for conducting sanitary surveys of public water systems in the State;
5. Establish and maintain a State program for the certification of laboratories conducting analytical measurements of drinking water contaminants;
6. Assure the availability to the State of laboratory facilities certified by the Administrator and capable of performing analytical measurements of all contaminants specified in the State primary drinking water regulations;
7. Establish and maintain an activity to assure that the design and construction of new or substantially modified public water system facilities will be capable of compliance with the State primary drinking water regulations;
8. Have authority to apply State primary drinking water regulations to all public water systems in the State;
9. Have authority to sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of the State primary drinking water regulations;
10. Have right of entry and inspection of public water systems;
11. Have authority to require suppliers of water to keep appropriate records and make appropriate reports to the State;
12. Have authority to require public water systems to give public notice that is no less stringent than EPA requirements in 40 CFR 142.32 and 142.16(a);
13. Have authority to assess civil or criminal penalties for violation of the State's primary drinking water regulations and public notice requirements;
14. Have authority to require community water systems to provide consumer confidence reports as required under 40 CFR part 141, subpart O;
15. Establish and maintain record keeping and reporting of its activities, including quarterly reports to the Administrator (Safe Drinking Water Information System) of violations, enforcement actions, notification of any variances and exemptions, and water system inventory information from the previous quarter;
16. If the State permits variances or exemptions, or both, from the requirements of the State primary drinking water regulations, the State shall do so under conditions and in a manner no less stringent than federal requirements;
17. Adopt and implement an adequate plan for the provision of safe drinking water under emergency circumstances;
18. Have authority for assessing administrative penalties.

Attachment C - Primacy Revision & Program Update for Louisiana

(Revised 07/02/2015)	State Adoption		Final Primacy Revision Application		Final EPA Approval	
Rule	**Status**	**Date**	**Status**	**Date**	**Status**	**Date**
IESWTR	Adopted	12/02	Received	03/02	Approved	4/05
Stage 1 DBPR	Adopted	6/04	Received	9/03	Approved	4/05
CCR	Adopted	8/00	Received	5/00	Approved	7/03
Administrative Penalty Authority	Adopted	6/00	Received	5/00	Approved	7/03
Arsenic Rule	Adopted	7/09	Received	4/11	Approved	8/11
Public Notification Rule	Adopted	10/09	Received	4/11	Approved	8/11
Radionuclide Rule	Adopted	7/09	Received	4/11	Approved	8/11
Filter Backwash Recycling Rule	Adopted	7/09	Received	4/11	Approved	8/11
LT 1 Rule	Adopted	7/09	Received	4/11	Approved	8/11
New PWS Definition	Adopted	6/00	Received	5/00	Approved	7/03
LCR Minor Revisions	Adopted	10/04	Received	6/04	Approved	4/05
Variance and Exemption Rule	Adopted	8/00	Received	5/00	Approved	4/05
LT2 ESWTR	Adopted	9/12	Received	12/12	Approved	9/13
Stage 2 DBPR	Adopted	9/12	Received	12/12	Approved	9/13
Lead and Copper Rule Short Term Revisions	Adopted	9/12	Received	12/12	Approved	9/13
Ground Water Rule	Projected	06/16	TBD	Extension Expired on 11/22/2010		
Revised Total Coliform Rule	Projected	06/16	TBD	Extension Expires on 02/13/2017		

Program Area	Deadline for EPA Final Approval	Draft Program Submitted		Final Program Approval	
		Projected	**Actual**	**Projected**	**Actual**
Capacity Development-existing systems	08/06/00		03/21/98	09/00	08/00
Operator Certification	02/05/01		06/21/99	02/01	06/01

Attachment D – FY2014 Louisiana Violation Data by System Information

Number of Systems in Violation in Louisiana During FY 2014
(October 1, 2013 thru September 30, 2014 as of July 15, 2015)
(Small <= 3,300; Medium: 3,301 - 10,000; Large >10,000)

MCL, TT, and MRDL Violations (Health Based Standards)		Community			Non-Transient Non-Community			Transient Non-Community			Total
		Small	Medium	Large	Small	Medium	Large	Small	Medium	Large	
Phase II/V	Arsenic	5									5
	VOC				1						1
Disinfection By-Products Rule	Stg1	3	3	1	1						8
	Stg2	60	11	3	4						78
Surface Water Treatment Rules	LT1	1			1						2
	LT2		1								1
	SWTR	1									1
Lead and Copper Rule		2			1						3
Ground Water Rule		81	8	2	3			8			102
Total Coliform Rule		43	27	12	3			3	1		89

M and R and Consumer Notification Violations		Community			Non-Transient Non-Community			Transient Non-Community			Total
		Small	Medium	Large	Small	Medium	Large	Small	Medium	Large	
Disinfection By-Products Rule	Stg1	245	37	3	29			6			320
	Stg2	196	27	16	26						265
Surface Water Treatment Rules	LT1	4		1	1						6
	SWTR	4									4
Lead and Copper Rule		98	9		7						114
Ground Water Rule		10	2	1	2			2			17
Total Coliform Rule		137	13	1	12			39	1		203
Consumer Notification	CCR	128	10	1							139
	PN	217	16	4	16			35			288

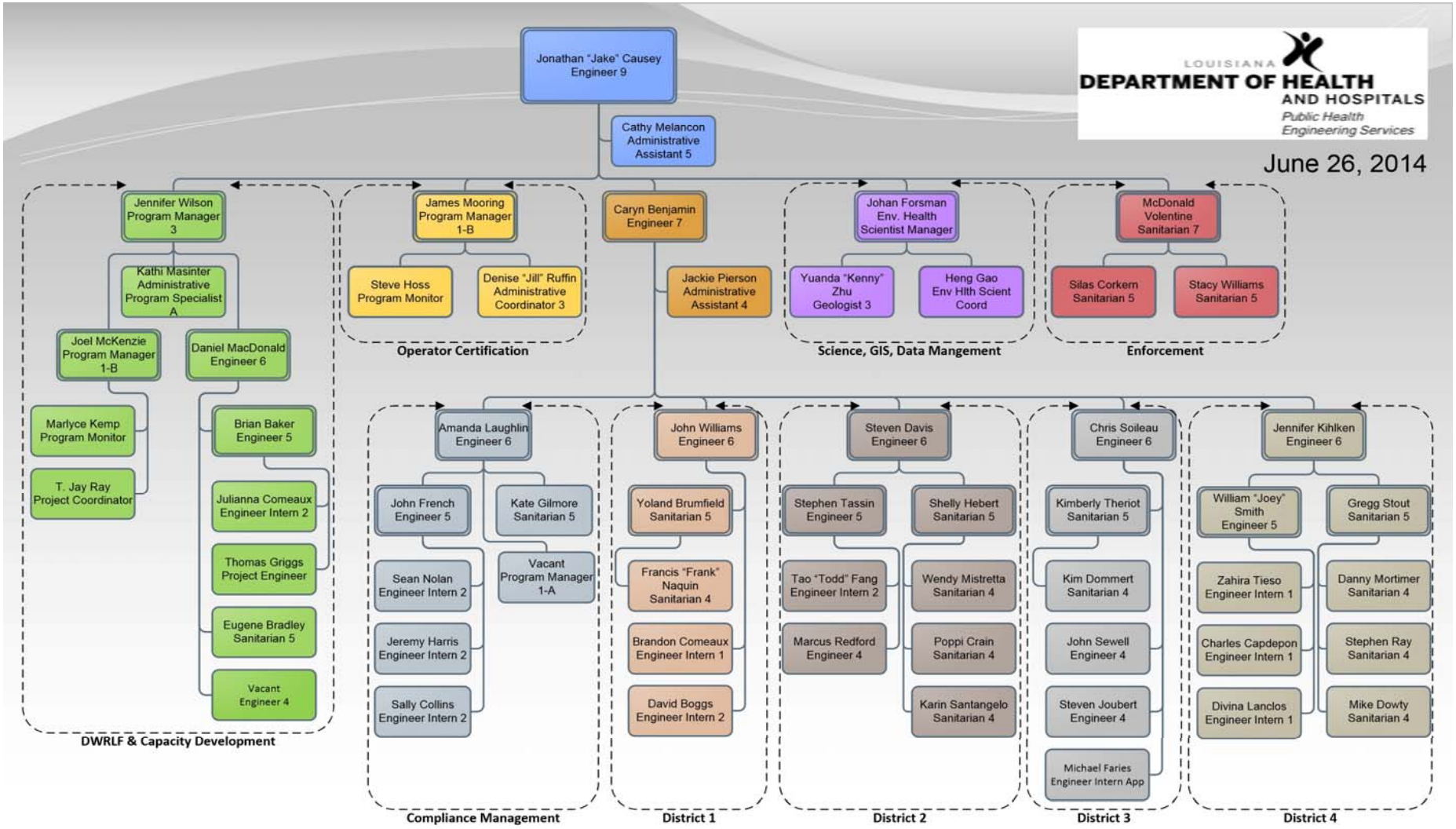
Attachment D (continued) – FY2014 Louisiana Total Violation Data

Number of Violations in Louisiana During FY 2014
(October 1, 2013 thru September 30, 2014 as of July 15, 2015)
(Small <= 3,300; Medium: 3,301 - 10,000; Large >10,000)

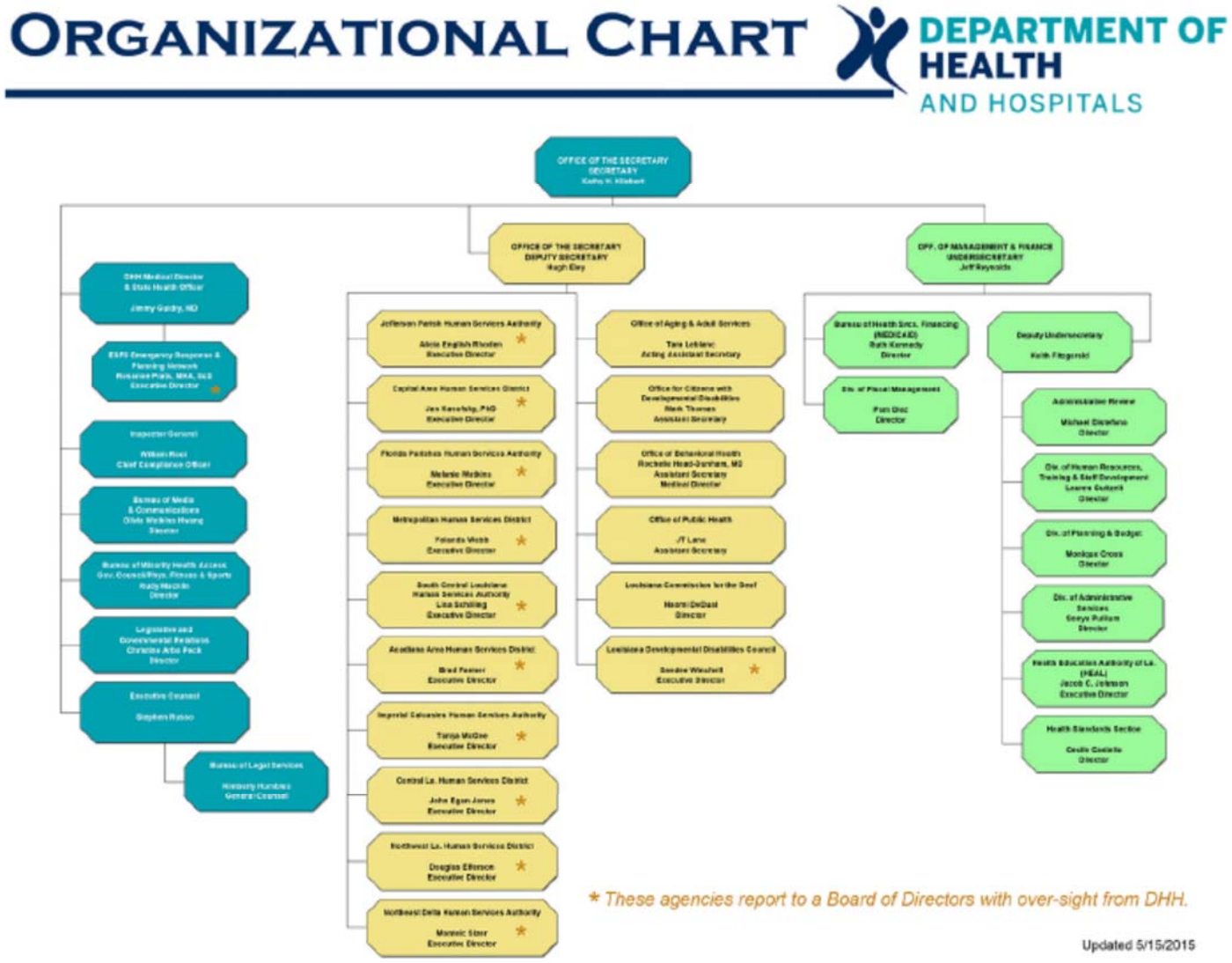
MCL, TT, and MRDL Violations (Health Based Standards)		Community			Non-Transient Non-Community			Transient Non-Community			Total
		Small	Medium	Large	Small	Medium	Large	Small	Medium	Large	
Phase II/V	Arsenic	16									16
	VOC				1						1
Disinfection By-Products Rule	Stg1	3	7	3	3						16
	Stg2	189	30	4	9						232
Surface Water Treatment Rules	LT1	1			1						2
	LT2		2								2
	SWTR	7									7
Lead and Copper Rule		3			1						4
Ground Water Rule		89	8	2	3			8			110
Total Coliform Rule		48	33	17	3			3	1		105

M and R and Consumer Notification Violations		Community			Non-Transient Non-Community			Transient Non-Community			Total
		Small	Medium	Large	Small	Medium	Large	Small	Medium	Large	
Disinfection By-Products Rule	Stg1	466	64	5	56			8			599
	Stg2	527	62	32	58						679
Surface Water Treatment Rules	LT1	28		1	3						32
	SWTR	20									20
Lead and Copper Rule		144	10		13						167
Ground Water Rule		12	2	1	2			5			22
Total Coliform Rule		268	14	1	13			63	1		360
Consumer Notification	CCR	283	14	1							298
	PN	661	21	4	40			92			818

Attachment E –LDHH Drinking Water Program Organizational Chart



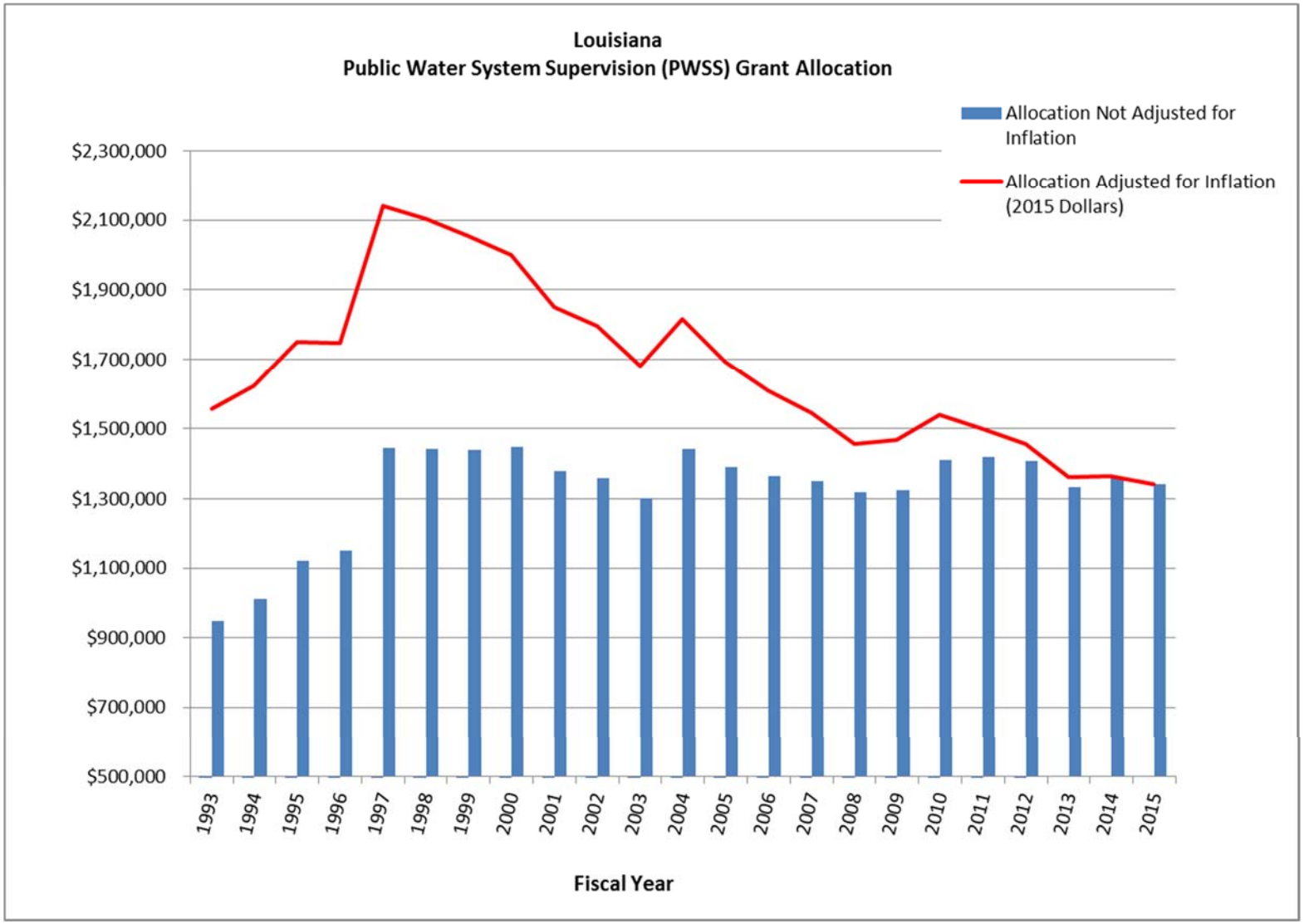
Attachment F – LDHH Organizational Chart



Attachment G – Historical PWSS Grant Allocation Indexed to Inflation

PWSS Grant Allocation		
Fiscal Year	Allocation Not Adjusted for Inflation	Allocation Adjusted for Inflation (2015 Dollars)
1993	947,000	1,558,487
1994	1,011,900	1,623,717
1995	1,121,000	1,749,209
1996	1,152,300	1,746,480
1997	1,445,200	2,141,282
1998	1,442,800	2,104,939
1999	1,439,800	2,055,172
2000	1,448,600	2,000,490
2001	1,379,100	1,851,817
2002	1,358,400	1,795,633
2003	1,300,300	1,680,532
2004	1,443,700	1,817,465
2005	1,390,800	1,693,493
2006	1,363,700	1,608,605
2007	1,349,000	1,547,197
2008	1,318,900	1,456,742
2009	1,324,000	1,467,597
2010	1,411,000	1,538,792
2011	1,419,000	1,500,164
2012	1,407,000	1,457,319
2013	1,334,000	1,361,761
2014	1,358,000	1,364,132
2015	1,341,000	1,341,000

Attachment G (cont.) – Historical PWSS Grant Allocation Indexed to Inflation



Created: July 2015 http://www.bls.gov/data/inflation_calculator.htm The CPI inflation calculator uses the average Consumer Price Index for a given calendar year. This data represents changes in prices of all goods and services purchased for consumption by urban households. This index value has been calculated every year since 1913. For the current year, the latest monthly index value is used.